

SAFETY BELT ENFORCEMENT

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen Hale

Dan R. Eastman

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending safety belt provisions.

Highlighted Provisions:

This bill:

► repeals the provision that makes a seat belt violation for a person 19 years of age or older enforceable only as a secondary action when the person is detained for another offense.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6-182, as repealed and reenacted by Chapter 153, Laws of Utah 2000

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6-182** is amended to read:

41-6-182. Driver and passengers -- Seat belt or child restraint device required.

(1) The driver of a motor vehicle operated on a highway shall:

(a) wear a properly adjusted and fastened safety belt;



(b) provide for the protection of each person younger than five years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and

(c) provide for the protection of each person five years of age up to 16 years of age by using an appropriate child restraint device to restrain each person in the manner prescribed by the manufacturer of the device or by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

(2) A passenger who is 16 years of age or older of a motor vehicle operated on a highway shall wear a properly adjusted and fastened safety belt.

(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner of the Department of Public Safety shall set standards for approved safety belts and child restraint devices.

(4) If more than one person is not using a child restraint device or wearing a safety belt in violation of Subsection (1), it is only one offense and the driver may receive only one citation.

~~[(5) For a person 19 years of age or older who violates Subsection (1)(a) or (2), enforcement by a state or local law enforcement officer shall be only as a secondary action when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other than Subsection (1)(a) or (2), or for another offense.]~~

Legislative Review Note
as of 9-16-03 7:48 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Safety Belt Enforcement***30-Jan-04***Bill Number: SB0071***2:44 PM*

State Impact

It is estimated that provisions of this bill will increase General Fund revenues by \$2,400 in FY 2004 and \$14,400 each fiscal year thereafter. The Courts will require General Fund appropriations of \$4,500 in FY 2004 and \$27,000 each fiscal year thereafter to deal with the increased case load.

	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>	<u>Revenue</u>
General Fund	\$4,500	\$27,000	\$27,000	\$2,400	\$14,400	\$14,400
TOTAL	\$4,500	\$27,000	\$27,000	\$2,400	\$14,400	\$14,400

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst